

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARIANNE MURPHY and WILLIAM MURPHY,

Docket No. 07-CIV-9415
(Buchwald, J.)

Plaintiffs,

-against-

CONTINENTAL AIRLINES, INC.,

Defendant.

-----X

DEFENDANT CONTINENTAL AIRLINES, INC.'S RESPONSE
TO AUTOMATIC DISCLOSURE PRIOR TO DISCOVERY

PLEASE TAKE NOTICE that defendant CONTINENTAL AIRLINES, INC. (hereinafter "Continental"), by its attorneys McKeegan & Shearer, P.C., as and for its Response to Automatic Disclosure Prior to Discovery in accordance with Federal Rule 26(a)(1) of the Federal Rules of Civil Procedure, states:

Automatic Disclosure 1. Disclose the identity of all persons with pertinent information respecting claims, defenses and damages.

Response 1. At this time, Continental is aware of the following persons who may have pertinent information respecting claims, defenses and damages: plaintiffs Marianne Murphy and William Murphy and Cheryl Stone of Continental.

Automatic Disclosure 2. Disclose a general description of all documents in the custody and control of the parties bearing significantly on claims and defenses.

Response 2. At this time, Continental is aware of the following documents: Continental Airlines Flight Attendant Report (one page) and Continental Airlines Customer Report (one page). Copies of such documents are annexed hereto.

Automatic Disclosure 3. Provide authorizations to obtain medical, hospital, no-fault and worker's compensation records.

Response 3. This automatic disclosure demand is inapplicable to Continental, the defendant in the captioned matter.

Automatic Disclosure 4. Disclose the documents relied on by the parties in preparing the pleadings or documents that are expected to be used to support allegations.

Response 4. See Response 2 above.

Automatic Disclosure 5. Disclose the contents of any insurance agreement.

Response 5. Continental objects to this demand on the grounds of relevance and on the grounds that the information requested is highly confidential and proprietary and the requested information is not calculated to lead to the discovery of admissible evidence. Without waiving said objection, the coverage limits that apply to this matter are in excess of the ad damnum in the Complaint. Global Aerospace is the custodian of this policy.

Dated: New York, New York
November 5, 2007

McKEEGAN & SHEARER, P.C.

By _____
George P. McKeegan (GPM 8602)
(A Shareholder of the Firm)
Attorneys for Defendant
192 Lexington Avenue
New York, New York 10016
(212) 661-4200

TO: SHAKED & POSNER
Attorney for Plaintiffs
255 West 36TH Street
8th floor
New York, New York 10018



486133

RECEIVED

MAY 17 2006

Risk Management

CUSTOMER REPORT



FORM TO BE COMPLETED BY CUSTOMER ONLY.

THEY MAY COMPLETE IT ON THE SPOT, OR TAKE IT WITH THEM
AND MAIL IT TO THE ADDRESS AT THE BOTTOM OF THE FORM

NAME OF CUSTOMER OR INJURED PARTY	FIRST	INITIAL	LAST
HOME ADDRESS	STREET NO.	CITY	STATE ZIP TELEPHONE #
SOCIAL SECURITY NO.	SEX	DOB	OFFICE TELEPHONE #
DATE AND TIME OF INCIDENT		DESCRIBE THE EXACT LOCATION OF INCIDENT	
4/1/06 4:30 PM		AM	Seat 15D + aisle
FLIGHT #	FROM:	TO:	
1081 Grand Cayman		EWR	
WAS EMERGENCY TREATMENT OFFERED? Y/N	WAS IT ACCEPTED? Y/N		
IF YES, WHO PROVIDED TREATMENT?			
<p>Paramedic checked foot on arrival but could not tell depth of DESCRIBE THE INCIDENT IN DETAIL: injury without an X-ray. Had foot x-rayed by Foot specialist that week.</p> <p>Sitting in my seat, flight attendant pushing cart down aisle over my left foot.</p>			
DESCRIBE INJURY:	Broken bone in left foot or major injury due to a heavy sharp metal rail hitting the top of the Foot (Wheel on the Cart may have gone right up the left foot)		
WITNESSES (PRINT) NAME	ADDRESS	TELEPHONE #	
		SIGNATURE: <u>M Murphy</u>	
		DATE: <u>May 2006</u>	

INFLT 24 (10/04)
00-0703-3-1299

MAIL TOP (WHITE) COPY TO:

CONTINENTAL AIRLINES
 RISK MANAGEMENT DEPARTMENT - HQSRK
 P.O. BOX 4607
 HOUSTON, TX 77210-4607

CUSTOMER TO KEEP YELLOW COPY

Customer Injury/Illness
 Customer Conduct
 Damage to Customer Property



486133

RECEIVED

APR 06 2006

Risk Management

Flight Attendant Report

FORM TO BE COMPLETED AND SUBMITTED
BY INFLIGHT CREW WITHIN 24 HOURS

DATE AND TIME OF INCIDENT 04-01-06	A.M. P.M.	AIRCRAFT # 1081	FLIGHT# 1081	GATE#	FROM: GCM	TO: EWR
DESCRIBE THE LOCATION OF THE INCIDENT (TERMINAL, JETWAY, INFLIGHT, etc.) In flight			WAS A CUSTOMER REPORT GIVEN TO THE CUSTOMER? Y / N			
WAS EMERGENCY TREATMENT OFFERED? IF YES, WHO PROVIDED THE TREATMENT? MARY		WAS IT ACCEPTED? IF NO, WHY NOT? MNRPFIX				
NAME OF CUSTOMER 1423	FIRST 1423	INITIAL 3rd Ave	CITY Apartment 20A	STATE NY	LAST NY	HOME ADDRESS 10128
SOCIAL SECURITY #	SEX	DOB	TELEPHONE # 212-722-6318			
OFFICE TELEPHONE #						
DESCRIBE THE INCIDENT IN DETAIL (USE ADDITIONAL SHEETS OF PAPER IF NEEDED): Bar Cart hit left foot. Treatment was offered by a Nurse. Nothing should could determine or do without X-Rays. PSGR was able to apply some pressure. PSGR indicated no one was at fault. PSGR also indicated she needed surgery on foot anyway.						
WITNESS INFORMATION NAME		WITNESS INFORMATION NAME				
ADDRESS		ADDRESS				
PHONE NUMBER		PHONE NUMBER				
DISTRIBUTION: WHITE (ORIGINAL) - PLACE IN WHITE ENVELOPE, BOARDMAIL TO HQSRK YELLOW - PLACE IN YELLOW ENVELOPE, BOARDMAIL TO IAHT PINK - FLIGHT ATTENDANT'S COPY		FLIGHT ATTENDANT'S NAME: Cheryl Stone EMP#: 360851 BASE: EWR SIGNATURE: DATE: 4-01-06				

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

LINDA ARCARA, being duly sworn, deposes and says:

That I am not a party to this action, am over the age of 18 years and reside in Bayside, New York.

That on the 13th day of November 2007, I served a true copy of the DEFENDANT CONTINENTAL AIRLINES, INC.'S RESPONSE TO AUTOMATIC DISCLOSURE PRIOR TO DISCOVERY in the following manner:

By mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, addressed to the last known of the addressee(s) as follows:

SHAKED & POSNER
255 West 36th Street
8th Floor
New York, New York 10018

Sworn to before me this
13th day of November 2007

/s/

Linda Arcara

/s/
Notary Public

GEORGE P. McKEEGAN
Notary Public, State of New York
No. 02MC6131547
Qualified in Westchester County
Commission Expires August 8, 2009